

EXHIBIT 1

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4 **GALLAGHER & KENNEDY, P.A.**
5 2575 East Camelback Road
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9 (admitted *pro hac vice*)
10 **LOPEZ McHUGH LLP**
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12 Newport Beach, California 92660
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14 *Co-Lead/Liaison Counsel for Plaintiffs*

15 **IN THE UNITED STATES DISTRICT COURT**
16 **FOR THE DISTRICT OF ARIZONA**

17 **IN RE: BARD IVC FILTERS**
18 **PRODUCTS LIABILITY LITIGATION**

19 MD No. 02641

20 **PLAINTIFFS' NOTICE OF**
21 **DEPOSITION PURSUANT TO**
22 **FEDERAL RULE OF CIVIL**
23 **PROCEDURE 30(b)(6) and**
24 **RELATED REQUESTS FOR**
25 **PRODUCTION OF DOCUMENTS**

26 YOU ARE HEREBY NOTIFIED that, in accordance with Rule 30(b)(6), Fed. R.
27 Civ. P., Plaintiff will depose the representative of Bard [full corporate names] ("BARD")
28 who is the most knowledgeable regarding the following matters set forth in Exhibit A.

1 DATE/TIME OF DEPOSITION: December 15, 2015, 10 a.m.

2 LOCATION OF DEPOSITION: Gallagher & Kennedy, P.A.
3 2575 East Camelback Road, Suite 1100
4 Phoenix, Arizona 85016

5 The deposition will be taken upon oral examination before a stenographic court
6 reporter or some other officer duly authorized by law to take oaths and acknowledgements
7 in the State of Arizona. The deposition will continue day to day until completed and will
8 be videotaped. This deposition is being taken for the purpose of discovery, for use at trial
9 or both of the foregoing, or for such other purposes as permitted under the applicable rules
10 and governing law.

1 PLEASE TAKE FURTHER NOTICE that, pursuant to Rule 34, Fed. R. Civ. P.,
2 BARD is to produce by November 10, 2015 the documents and tangible things identified
3 in Exhibit B attached hereto.

4 DATED this 5th day of November 2015.

5 **GALLAGHER & KENNEDY, P.A.**

6 By: 

7 Robert W. Boatman
8 Paul L. Stoller
9 Shannon L. Clark
10 2575 East Camelback Road
11 Phoenix, Arizona 85016-9225

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12 *Co-Lead/Liaison Counsel for Plaintiffs*

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CERTIFICATE OF SERVICE

I hereby certify that on November 5, 2015 a true and correct copy of the foregoing was sent via U.S. Mail and/or Electronic Mail to:

James R. Condo
Snell & Wilmer LLP
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Phoenix, Arizona 85004
Attorneys for Defendants

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Attorneys for Defendants

*Counsel for Plaintiffs will be served in accordance with the Court's Case Management Order No. 1

Dave Jones

EXHIBIT A

Definitions

The following definitions apply to this Notice of Deposition, including those matters set forth in Exhibit A hereto, and are deemed to be incorporated into each subject and request for documents listed below:

1. "Identify" or "identity" with respect to persons, means to give, to the extent known, the person's full name, present or last known address, and when referring to a natural person, additionally, the present or last known place of employment.

2. BARD means defendants C.R. BARD INC. and BARD PERIPHERAL VASCULAR, INC., and any of its subsidiaries, affiliates, officers, agents, attorneys, employees, representatives, or others acting on its behalf.

3. “Person” means natural person, as well as corporate and/or governmental entity.

4. "IVC Filter" means all IVC Filters manufactured or distributed by BARD or its predecessors prior to assignment or sale of such filters to BARD. Also included is any device intended to retrieve any filter or to introduce any filter into the body.

5. "Relating to," "relate to," "referring to," "refer to," "reflecting," "reflect," "with regard to," "concerning," or "concern" shall mean evidencing, regarding, concerning, discussing, embodying, describing, summarizing, containing, constituting, showing, mentioning, reflecting, pertaining to, dealing with, relating to, referring to in any way or manner, or in any way logically or factually, connecting with the matter described in that paragraph of these demands, including documents attached to or used in the preparation of or concerning the preparation of the documents.

6. "Documents" as used in this Request is coextensive with the meaning of the terms "documents" and "tangible things" in FRCP 34, and shall have the broadest possible meaning and interpretation ascribed to the terms "documents" and "tangible things" under FRCP 34. Consistent with the above definition, the term document shall include, without limitation, any written, printed, typed, photostatic, photographed,

1 recorded, computer-generated, computer- stored, or otherwise maintained or reproduced
2 communication or representation, any data compilation in any form, whether comprised of
3 letters, words, numbers, pictures, sounds, bytes, e-mails, electronic signals or impulses,
4 electronic data, active files, deleted files, file fragments, or any combination thereof
5 including, without limitation, all memoranda, notes, records, letters, envelopes, telegrams,
6 messages, studies, analyses, contracts, agreements, projections, estimates, working papers,
7 accounts, analytical records, reports and/or summaries of investigations, opinions or
8 reports of consultants, opinions or reports of experts, opinions or reports of accountants,
9 other reports, trade letters, press releases, comparisons, books, diaries, articles, magazines,
10 newspapers, booklets, brochures, pamphlets, circulars, bulletins, notices, forecasts,
11 drawings, diagrams, instructions, minutes of meetings or communications of any type,
12 including inter- and intra-office communications, questionnaires, surveys, charts, graphs,
13 photographs, phonographs, films, tapes, discs, data cells, drums, printouts, all other
14 compiled data which can be obtained (translated, if necessary, through intermediary or
15 other devices into usable forms), documents maintained on, stored in or generated on any
16 electronic transfer or storage system, any preliminary versions, drafts or revisions of any
17 of the foregoing, and other writings or documents of whatever description or kind, whether
18 produced or authorized by or on behalf of you or anyone else, and shall include all non-
19 identical copies and drafts of any of the foregoing now in the possession, custody or
20 control of you, or the former or present directors, officers, counsel, agents, employees,
21 partners, consultants, principals, and/or persons acting on your behalf.

22 7. "Or" and "and" will be used interchangeably.

23 **Deposition Subject Matter**

24 Pursuant to Rule 30(b)(6), BARD shall designate and produce for deposition one or
25 more of its officers, directors, managing agents, or other persons who consent to testify on
26 its behalf concerning the following subject matters:

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1 FDA WARNING LETTER DATED JULY 13, 2015:

2 1. All communications with FDA officials regarding the subject matter and
3 content of the warning letter issued by FDA on July 13, 2015 including but not limited to
4 communications described in the letter.

5 2. The identity of BARD's corporate officers and other employees (including
6 but not limited to their titles, duties and dates of such responsibility) who were and are
7 responsible for communicating with regulatory officials with the FDA and related
8 regulatory bodies concerning the subject matter and content of the warning letter issued
9 by FDA on July 13, 2015.

10 3. The visits/inspections from/by the FDA to Bard facilities on the dates listed
11 in the warning letter issued by the FDA on July 13, 2015.

12 4. The failure to establish and maintain procedures for receiving, reviewing
13 and evaluating complaints associated with Bard's IVC filters and Bard IVC filter removal
14 products as described in the warning letter issued by the FDA on July 13, 2015.

15 5. Determination of lot numbers subject to the failure to establish and maintain
16 procedures for acceptance of incoming product as described in paragraph 5 of the warning
17 letter issued by the FDA on July 13, 2015.

18 6. The failure to submit reports as described in paragraph 7 of the warning
19 letter issued by the FDA on July 13, 2015 and the responses submitted by Bard to the
20 FDA listed as inadequate.

21 7. Actions taken by defendants since the issuance of the warning letter issued
22 by FDA on July 13, 2015.

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EXHIBIT B

DOCUMENTS TO BE PRODUCED

1. An unredacted and final copy of the warning letter issued by FDA on July 13, 2015 to Bard.
2. All communications with FDA related to the subject matter of the warning letter issued by the FDA on July 13, 2015.
3. All documents which reflect a regulatory log of contacts with the FDA regarding the warning letter issued by FDA on July 13, 2015.
4. All complaint files referenced in the warning letter issued by FDA on July 13, 2015.
5. All complaint files provided to and/or reviewed by FDA as part of the investigation and inspections that resulted in the warning letter issued by FDA on July 13, 2015.
6. All documents and material provided to FDA during the course of its inspection and investigation that resulted in the warning letter issued by FDA on July 13, 2015.
7. All internal communications relating to the subject matter of the warning letter issued by FDA on July 13, 2015.
8. Communications with FDA and internally at BARD since the issuance of the warning letter issued by FDA on July 13, 2015 which pertain to the subject matter and content of said warning letter.
9. Documents reflecting actions taken by defendants as a result of the warning letter issued by FDA on July 13, 2015.
10. Observations noted on FDA Forms 483, Lists of Inspectional Observations that were issued to you at the close of the FDA's inspections that are referenced in the warning letter issued by FDA on July 13, 2015.